

BEFORE THE TENNESSEE REGULATORY AUTHORITY
AT NASHVILLE, TENNESSEE

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CONSUMER ADVOCATE DIVISION)
v.)
NASHVILLE GAS COMPANY, IN RE:)
APPLICATION OF NASHVILLE GAS)
COMPANY, A DIVISION OF PIEDMONT)
NATURAL GAS COMPANY, INC. FOR)
AN ADJUSTMENT IN ITS RATES AND)
CHARGES, THE APPROVAL OF)
REVISED TARIFF AND THE APPROVAL)
OF REVISED SERVICE REGULATIONS)

DOCKET NO. 99-00994

COMPLAINT OR PETITION TO INTERVENE

Comes the Consumer Advocate Division of the Office of Attorney General, pursuant to Tenn. Code Ann. §§ 65-4-118; 65-2-101 (2); 65-2-103; 65-2-107; 65-5-210 (a); 65-5-210 (b); 4-5-310 and Rule 1220-1-1-.05(1) of the Tennessee Regulatory Authority, and respectfully complains and petitions to intervene in the above-referenced proceeding in order to represent the interests of Tennessee consumers.

The Consumer Advocate Division petitions and complains as follows:

1. The Consumer Advocate Division of the Office of the Attorney General is authorized by Tenn. Code Ann. § 65-4-118 to initiate or participate or intervene in proceedings to represent the interests of Tennessee consumers in accordance with the Uniform Administrative Procedures Act (UAPA).
2. Nashville Gas Company, a Division of Piedmont Natural Gas Company, Inc. is a utility regulated by the Tennessee Regulatory Authority (TRA) pursuant to Tenn. Code Ann. §

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also entered in
TRAAD under
Intervenor

65-4-101. Its normal address for service of legal documents is through its attorneys, Amos & Jeffries, L.L.P., 1230 Renaissance Plaza, 230 North Elm Street, P.O. Box 787, Greensboro, North Carolina, 27402, and its designated legal counsel is Mr. Jerry W. Amos.

3. The UAPA provides that contested case intervention is handled in accordance with Tenn. Code Ann. § 4-5-310.
4. The UAPA in Tenn. Code Ann. § 4-5-103 (b) further provides that “compliance with the procedures prescribed by this chapter does not obviate the necessity of complying with procedures prescribed by other provisions of this code.”
5. That procedures prescribed by other provisions of the code include the provisions of Tenn. Code Ann. § 65-2-101 (2) as follows:

"Contested case" means all proceedings before the authority in which the legal rights, duties, or privileges of specific parties are determined after a hearing before the authority; provided, that the fixing of rates shall be deemed a contested case rather than a rule-making proceeding;

As a result this proceeding, where Nashville Gas Company seeks to have its rates fixed, should be a contested case proceeding.

6. That the proceeding in the above referenced docket is one of all proceedings before the authority in which the legal rights, duties or privileges of Nashville Gas Company and Tennessee consumers will be determined by the fixing of rates and that said proceeding is a contested case proceeding.
7. Tennessee consumers have a right, a privilege and a duty to pay only just and reasonable and affordable rates pursuant to Tenn. Code Ann. §§ 65-4-122; 65-4-123; 65-5-208.

8. That Nashville Gas Company proposes to charge rates in excess of those which are just and reasonable and affordable and that the rights, privileges and duties of Tennessee consumers and Nashville Gas Company regarding service at the excessive extortionate rates will be affected by the decision in this proceeding.
9. That the supporting documentation filed by Nashville Gas Company for its proposed \$10.8 million annual increase is insufficient to prove that the increase is just and reasonable.
10. That Tenn. Code Ann. § 65-2-107 provides:

Parties to contested cases.
All persons having a right under the provisions of the laws applicable to the authority to appear and be heard in contested cases as defined in this chapter shall be deemed parties to such proceedings for the purposes of this chapter. In addition, the authority may upon motion allow any interested person to intervene and become a party to any contested case.
11. That the Consumer Advocate Division has a right under the provisions of the laws applicable to the authority to appear and be heard.

Wherefore the Consumer Advocate Division prays that the Tennessee Regulatory Authority suspend the Nashville Gas Company tariff filing which charges rates in excess of that allowed by law and deny the rates proposed by the company and to grant such other relief as is just.

Respectfully submitted,

Vance L. Broemel

Vance L. Broemel, 11421

Consumer Advocate Division

Office of the Attorney General & Reporter

425 Fifth Avenue North, Second Floor

Nashville, TN. 37243-0500

615-741-8700

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Complaint or Petition has been faxed and or mailed postage prepaid to the parties listed below this 11th day of February, 2000.

Jerry W. Amos, Esq.
Amos & Jeffries, L.L.P.
1230 Renaissance Plaza
230 North Elm Street
P.O. Box 787
Greensboro, North Carolina 27402

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